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VIA ECF

June 8, 2020

Re: *The Travelers Indem. Co., et al. v. Northrop Grumman Corp., et al.*,
Case No. 1:16-cv-08778-LGS [rel. 1:12-cv-03040-KBF]

The Honorable Lorna G. Schofield
United States District Court
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Dear Judge Schofield:

We write on behalf of Northrop Grumman (“NG”) to propose a process for filing sealed and redacted materials as part of the forthcoming briefing. We have conferred with Travelers, and Travelers does not oppose this request.

Background: By Order dated May 19, 2020, the Court directed the parties to file the following motions: (i) Travelers’ motion for summary judgment with respect to certain pollution exclusions; and (ii) three associated *Daubert* motions. *See* ECF 332. The Court’s order did not provide new direction regarding filings under seal. However, for the prior round of summary judgment briefing, the Court directed the parties first to confer and agree upon proposed redactions and thereafter to submit to the Court the motion papers with proposed redactions. *See* ECF 191. In addition, for a number of other subsequent submissions, including the parties’ pre-motion letters in April and May 2020, the Court has issued orders allowing redactions and sealed filings “necessary to prevent unauthorized dissemination of confidential or prejudicial business information.” *See, e.g.*, ECF 323.

As noted in NG’s response to Travelers’ pre-motion letter (ECF 322), NG anticipates that some portions of the forthcoming briefing and supporting exhibits will contain confidential or potentially prejudicial business information. Travelers has also recognized that some papers will be filed under seal or in redacted format. *See* ECF 328 at 3 (“Grumman can seek to seal any information it contends would be prejudicial if filed publicly”).

Proposal for Upcoming Briefing: In order to streamline the process for sealing and redactions, and to avoid the need for multiple filings in the midst of the parties’ briefing schedule (as was the case under the Court’s prior order, ECF 191), NG proposes the following process: In the first instance, all supporting memoranda, Rule 56.1 statements and responses, and exhibits shall be filed under seal. In those filings, the Parties shall indicate proposed redactions in highlighting, and the Parties shall indicate on the cover pages for each exhibit whether the Party proposes to file the exhibit under seal. After the briefs are filed, the Parties shall confer regarding the proposed redactions and sealing. If the Parties agree regarding the proposals, they shall file

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public, redacted versions of all papers within seven days after the last filing—i.e., on or before August 28—along with appropriate motion(s) to seal for the Court’s consideration. If the Parties do not agree, they shall advise the Court by letter, on or before August 28, and therein identify the specific items about which there is disagreement. Notably, for the prior briefing, the Parties were able to reach agreement as to all proposed redactions for all submissions, and the Court accepted all of the Parties’ proposed redactions.

We respectfully request that the Court enter an order providing for the filing process outlined above.

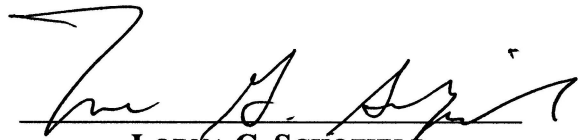
Respectfully submitted,

/s/ Georgia Kazakis
Georgia Kazakis

Cc: All Counsel of Record

Application GRANTED in part. In the first instance, all documents that are a part of the forthcoming briefing, including motions, supporting memoranda, Rule 56.1 statements and responses, and exhibits shall be filed under seal, by emailing chambers at Schofield_NYSDChambers@nysd.uscourts.gov. On **September 2, 2020**, the parties shall file on ECF the motion(s) to seal and shall also: (a) publicly file all papers with proposed redactions and (b) electronically file under seal all papers, pursuant to Individual Rule I.D.3.

Dated: June 9, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE